

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3323-01
Bill No.: SB 735
Subject: Libraries and Archives
Type: Original
Date: March 1, 2010

Bill Summary: Requires public libraries to adopt policies on the placement of books and other materials that are obscene or pornographic for minors.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	(\$10,125)	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** assume that under this bill, libraries would be required, at a minimum, to purchase signs. Assuming that libraries choose the option to post a sign, the estimated cost would be \$10,125 the first year for 405 Missouri library buildings, at an average cost of \$25. In lieu of signs, costs could range from hiring staff to increase monitoring of collections by young people, building or remodeling space to segregate collections, upgrading automation systems to facilitate adding blocks to library cards. Libraries choosing to segregate materials deemed by policy to be "obscene and pornographic for minors" will incur much greater costs of additional shelving, construction and staff time to house and retrieve the material.

Officials at the **City of West Plains** assume a negative unknown impact if rules appear more stringent than appears to be required.

Officials at the **University of Central Missouri** assume that an estimated 5% of there print collection which is 42,500 items would need to be moved. A conservative cost estimate for moving the materials into a separate "adults only" area would be in excess of \$125,000, plus ongoing costs to maintain items there.

Officials at the **Missouri State University** assume minimal costs for signs, posting policy, and providing/recording copies of policy with city or county.

Officials at the **St. Louis County** assume the following costs:

Number of items to be reviewed annually:

Adult fiction (includes large print)	382,071
Teen fiction (includes large print)	19,425
Adult paperback	59,057
Teen paperback	660
Non-fiction/reference	<u>11,064</u>
Total items	472,277

Cataloging costs:

25% of items will have reviews $472,277 \times 25\% \times .25 \text{ hour} = 29,517 \text{ hours}$

75% of items do not have review $472,277 \times 75\% \times 1.00 \text{ hour} = 354,208 \text{ hours}$

$29,517 + 354,208 = 383,725 \text{ hours} / 40 \text{ hours} = 9,593 \text{ weeks}$

$9,593 \text{ weeks} / 52 \text{ weeks} = 184$
FTE staff (catalogers)

ASSUMPTION (continued)

184 FTE X \$40,000 X 1.25 (benefits)=	\$9,200,000
Other costs:	
Cost for survey to determine contemporary community standards	\$ 28,000
Legal fees to develop written policy (30 hours X \$175)	\$ 5,250
Legal fees to defend First Amendment challenge	\$ 50,000
Construction costs to build limited access areas	
20 branches X \$50,000	<u>\$1,000,000</u>
Total other costs	\$1,083,250
TOTAL ANNUAL COSTS	\$10,283,250

Officials at the **City of Kansas City, University of Missouri, Linn State Technical College, Missouri Western State University, Truman State University, Metropolitan Community College, City of Centralia, Missouri Southern State University, Lincoln University, Northwest Missouri State University, City of Raytown, East Central College** and **Boone County Collector of Revenue** assume that there is no fiscal impact from this proposal.

No other city, county or college responded to **Oversight's** request for fiscal impact.

Oversight assumes the legislation requires at a minimum the posting of a sign. Oversight has shown the cost of the signs. **Oversight** assumes that should a library chose to move the books as suggested in the legislation then additional costs could be incurred.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
LOCAL LIBRARY FUNDS			
<u>Cost - Library Funds</u>			
printing sign	<u>(\$10,125)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON LOCAL LIBRARY FUNDS	<u>(\$10,125)</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act requires public libraries, by January 1, 2011, to adopt written policies, consistent with contemporary community standards, on the placement of books and other materials to restrict minors from gaining access to material that is obscene or pornographic for minors. Exempted books and materials include those in collections that require the written permission of a parent or guardian of an un-emancipated minor. Policies must also contain procedures for members of the public to challenge the placement of such books and other materials and provide comments and guidance on the library policies.

As an alternative, any library that does not adopt written policies must prominently display a statement that the library may contain uncensored materials that may be objectionable and offensive to minors.

Libraries must include in their annual report the number of complaints about placement of books and their resolution. Library policies must be recorded with the city or county and made available to the public at the library and city or county government office.

A library board member, officer, or employee who violates this section is subject to a misdemeanor.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

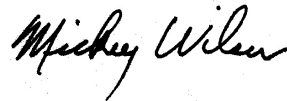
SOURCES OF INFORMATION

Office of the Secretary of State
City of Centralia
City of Kansas City
City of Raytown
City of West Plains
Boone County Collector of Revenue
St. Louis County
East Central College
Lincoln University
Linn State Technical College

JH:LR:OD

SOURCES OF INFORMATION (continued)

Metropolitan Community College
Missouri Southern State University
Missouri State University
Missouri Western State University
Northwest Missouri State University
Truman State University
University of Central Missouri
University of Missouri

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 1, 2010